



Docket No.: 1293.1985

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Han-Rae CHO

Serial No. 10/700,478

Group Art Unit: 2835

Confirmation No. 7744

Filed: November 5, 2003

Examiner: Hung V. DUONG

For: DAMPING APPARATUS

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed June 16, 2003.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the Examiner's Reasons in the Notice of Allowability refer to "one of the first and second objects is a hard disk drive and the other [of the] objects is a base plate or that the first and second members are joined to the upper and lower surfaces, respectively of the

vibration absorbing member by attaching with an adhesive or insert molding." Only independent claim 4 recites, "one of the first and second objects is a hard disk drive and the other of the objects is a base plate." Only independent claim 5 recites, "the first and second members are joined to the upper and lower surfaces, respectively of the vibration absorbing member by attaching with an adhesive or insert molding." Furthermore, independent claims 6 and 9 do not recite the language described by the Examiner.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Sept. 13, 2006

By: 

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